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**JUN 16 2006**

**OFFICE OF PETITIONS**

In re Application of :  
Mark Forster et al. :  
Application No. 10/784,096 : DECISION ON PETITION  
Filed: February 23, 2004 : UNDER 37 C.F.R. §1.137(f)  
Attorney Docket No. 134/116 :  
Title: CANOPY RELEASE BUCKLE :  
WITH DUAL ACTION RELEASE LEVER :

This is a decision on the petition filed on November 9, 2005, pursuant to 37 C.F.R. §1.137(f), to revive the above-identified application.

The Office regrets the period of delay in issuing this decision.

A grantable petition pursuant to 37 CFR 1.137(f) must be accompanied by:

- (1) Notification of the filing of an application in a foreign country or under a multinational treaty that requires 18 month publication<sup>1</sup>;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m), and;
- (3) A statement that the entire delay in filing the notice from the date that the notice was due under 35 U.S.C. §122(b)(2)(B)(iii) until the date the notice was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

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<sup>1</sup> See PTO/SB/36 and paragraph on PTO/SB/64a for further information. Both may be downloaded at <http://www.uspto.gov/web/forms/index.html>.

Petitioner has submitted the petition fee, the proper statement of unintentional delay, and has concurrently filed a rescission of the previously made nonpublication request. As such, the second and third requirements of 37 C.F.R. §1.137(f) have been met.


Regarding the first requirement, Petitioner has failed to provide notification of the filing of an application in a foreign country or under a multinational treaty that requires 18 month publication. It is not clear on what date the application was filed in a foreign country or under a multinational treaty.

Accordingly, the petition under 37 C.F.R. §1.137(f) must be **DISMISSED**.

Any response must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The submission should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(f)."

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanowski, and may be submitted by mail<sup>2</sup>, hand-delivery<sup>3</sup>, or facsimile<sup>4</sup>.

Petitioner is reminded that if an applicant makes a nonpublication request and then rescinds the nonpublication request before or on the date a counterpart application is filed in an eighteen-month publication country, the application will be treated as if the nonpublication request were never made, and any petition fee would be refunded.



**Paul Shanowski**  
Senior Attorney  
Office of Petitions  
United States Patent and Trademark Office

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2 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

3 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

4 (571) 273-8300- please note this is a central facsimile number.